

FILED

MAR 02 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 DEPUTY

UNITED STATES OF AMERICA

v.

CHRISTOPHER ALMAGUER**CRIMINAL COMPLAINT**CASE NUMBER: *W/8-64M*


I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

From in or about November, 2017, until at least in or about December, 2017, in Bell County, in the Western District of Texas, defendant(s), employ, use, persuade, induce, entice, and coerce or did attempt to employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was produced using materials that had been mailed, shipped, and transported in interstate or foreign commerce, by any means, in violation of Title 18, United States Code, Section(s) 2251(a) and (e).

I further state that I am a(n) Special Agent, United States Secret Service, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

continued on the attached sheet and made a part hereof: YES



 MARCUS IVEY, Special Agent
 United States Secret Service

Sworn to before me and subscribed in my presence,

March 2, 2018


Date

Jeffrey C. ManskeU.S. Magistrate Judge

Name & Title of Judicial Officer

Waco, Texas

City and State



 Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Marcus Ivey, being duly sworn, state as follows:

1. I am a Special Agent (SA) of the United States Secret Service (USSS), Waco Division, Waco Resident Agency. I have been employed as a Special Agent with the USSS for over nineteen years. My responsibilities include the investigation of crimes involving fraud within the Western District of Texas. This includes the offense of counterfeiting U.S. currency. I have been involved with numerous investigations involving counterfeit U.S. currency. Additionally, I have had several opportunities to accompany the Texas Office of the Attorney General as they have executed search warrants pertaining to violations of 18 U.S.C. § 2256. I have consulted with Texas Office of the Attorney General Sergeant Dara Bowlin. Sgt. Bowlin is assigned to investigate "Crimes Against Children" which includes child exploitation, child pornography, and the online sexual exploitation of children. She has received training in the area and investigation of child pornography (as defined in 18 U.S.C. § 2256) and child exploitation, and have, as part of her duties as a Texas Peace Officer, has investigated violations relating to child exploitation and child pornography. These include crimes pertaining to the possession, distribution, receipt, advertising, and production of child pornography, in violation of Title 18 United States Code, Sections 2251 and 2252A. The facts contained in this affidavit have been relayed to me by Sgt. Bowlin.

2. This affidavit is submitted in support of a criminal complaint against CHRISTOPHER ALMAGUER ("ALMAGUER" or "Defendant"), a 26-year old born in 1991, for violations of Title 18, United States Code, Section 2251 and 2252A.

3. Title 18, United States Code, Section 2251 states, in relevant part:

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any

Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

4. Title 18, United States Code, Section 2252A states, in relevant part:

(a) Any person who—

- (1) knowingly mails, or transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any child pornography;
- (2) knowingly receives or distributes—
 - (A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or
 - (B) any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;
- (3) knowingly—
 - (A) reproduces any child pornography for distribution through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer; or
 - (B) advertises, promotes, presents, distributes, or solicits through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

- (i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or
- (ii) a visual depiction of an actual minor engaging in sexually explicit conduct;

* * * * *

(5) either—

- (A) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including computer;
- (6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—
 - (A) that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer;
 - (B) that was produced using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; or
 - (C) which distribution, offer, sending, or provision is accomplished using the mails or any means or facility of interstate or foreign commerce, for purposes of inducing or persuading a minor to participate in any activity that is illegal;

shall be punished as provided in subsection (b).

5. This affidavit is based on information relayed to me by Sgt. Bowlin. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the complaint, it does not contain every fact known to me or Sgt. Bowlin.

FACTS

6. On February 26, 2018, your Affiant, Sgt. Dara Bowlin with the Office of the Attorney General of Texas (OAG), Criminal Investigations Division, Child Exploitation Unit, executed a federal search warrant at 1101 N. 4th Street, Killeen, Texas. During the execution of the warrant, CHRISTOPHER ALMAGUER and his wife SARAH ALMAGUER, were seen walking towards the residence. Affiant spoke with CHRISTOPHER ALMAGUER and advised him that SARAH ALMAGUER was under arrest. SARAH ALMAGUER was arrested on federal complaint W18-44M, for violations of Title 18, United States Code, Section(s) 2251(a) and (e).

7. During the search of 1101 N. 4th Street, Killeen, Texas, photos were taken of all the rooms.

8. SARAH ALMAGUER, had in her possession, a ZTE black and blue cell phone.

9. On March 1, 2018, Jeffrey C. Manske, United States Magistrate Judge, signed a warrant authorizing the search of the ZTE cell phone.

10. On March 2, 2018, your Affiant reviewed the Forensic Extraction Report the ZTE cell phone. Contained in the "Video" folder of the report are numerous videos containing child pornography. Below are a descriptions of two (2) files depicting the same known 5-year-old female child. The child is wearing the same clothes in both videos:

File Name	Description
ORIGINAL_decrypted_21	A 27 second video depicting a 5-year-old girl who appears to be asleep. An adult male penis is seen ejaculating on the face/mouth of the 5-year-old girl.
ORIGINAL_decrypted_16	Is a 1 min 16 second video depicting a 5-year-old girl who appears to be asleep. An adult male is seen spreading the legs and vagina open, of the girl. The adult male then inserts his finger(s) inside the vaginal opening.

11. Your Affiant noted that a male's face is visible in one of the videos and recognized the face as that of CHRISTOPHER ALMAGUER. Additionally, your Affiant noted that the above described videos were filmed in a room containing a light-colored couch (with a pattern). Affiant recalls seeing the same couch inside the residence of 1101 N. 4th Street, Killeen, Texas, during the execution of the search warrant.

12. An OAG crime analyst assigned to the Child Exploitation Unit was able to locate a Texas Identification Card for CHRISTOPHER ALMAGUER. Affiant compared the face depicted in the video to a photo of CHRITOPHER ALMAGUER's Texas Identification Card and noted they appear to be the same person.

CONCLUSION

13. Based on the foregoing, there is probable cause to believe that CHRISTOPHER ALMAGUER has committed the offenses set forth in the attached Criminal Complaint.
FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



MARCUS IVEY, Special Agent
United States Secret Service

SWORN TO AND SUBSCRIBED before me at on the 2ND day of March, 2018.



JEFFREY C. MANSKE
UNITED STATES MAGISTRATE JUDGE